

Exhibit “L”

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF PENNSYLVANIA

3 DELAGE LANDEN FINANCIAL SERVICES,)
4 INC,)

5 PLAINTIFF,)

6 TOSHIBA AMERICA MEDICAL SYSTEMS,)
7 INC.,)

8 PLAINTIFF/INTERVENOR,)

9 VS.) 2:02CV2810
HON. RONALD BUCKWALTER)

10 DESOTO DIAGNOSTIC IMAGING, LLC,)
11 RANDON J. CARVEL, LYNN T. CARVEL,)
12 DELTA RADIOLOGY, PC, AND ZOBAR)
PROPERTIES, LLC,)

13 DEFENDANTS/COUNTER-CLT.)
14

15 VIDE DEPOSITION
16 OF
17 DAVID A. STEIFF

18
19 NOVEMBER 6, 2003
20
21

22
23 ALPHA REPORTING CORPORATION
KORIAN NEAL, RPR, CCR
24 100 North Main Building, The Lobby
Memphis, Tennessee 38103
25 (901) 523-8974

1 A. Yes.

2 Q. So your representations -- make sure I'm
3 clear -- are only as good as the information that's
4 provided from your superiors; is that correct?

5 A. To put it -- the way I would tell my customer,
6 I may lie to you but not knowing -- not know I'm doing
7 it.

8 Q. And what do you mean by that?

9 A. I mean that I'm presenting the company lying
10 as to what they're telling me.

11 Q. Okay.

12 A. Sometimes they don't always tell us everything
13 we need to know.

14 Q. And you mentioned that there was a possible
15 situation where you might have fraudulently
16 misrepresented --

17 A. I believe we did.

18 MR. CHESNEY: Excuse me. Have you
19 finished the question?

20 MR. TATE: John, don't interrupt me right
21 now. I finished my question.

22 MR. CHESNEY: I'm going to make an
23 objection once you're finished but not until. So
24 don't get excited. Just finish your question.

25 MR. TATE: He can answer the question.

1 MR. CHESNEY: So finish your question.

2 MR. TATE: My question's finished.

3 MR. CHESNEY: Okay. Could you read back
4 the question.

5 (WHEREUPON, THE LAST QUESTION WAS READ
6 BACK BY THE COURT REPORTER.)

7 MR. CHESNEY: Okay. My objection to the
8 form of the question was that that mischaracterizes
9 the witness' testimony, although it appears the
10 witness is going to cooperatively give some testimony
11 that may corroborate it now. But that misrepresents
12 the witness' previous testimony.

13 Q. (BY MR. TATE) Could you describe that
14 situation?

15 A. Could we talk about fraudulently? I'm not
16 sure that was anybody's intent. That's a pretty strong
17 word.

18 St. Francis was, you know, my main account, the
19 only one that I had in town that was of Toshiba -- had
20 any Toshiba loyalty. And they had -- and we had years
21 before I came on board sold them a 1.4 Tesla magnet.
22 And we offered them an upgrade to go from the -- at the
23 time, it was an MRT 150 to a Visart, which is
24 predecessor to the Excelart. And for, I think it was
25 \$670,000, we told them we would upgrade that magnet to

1 on Excelart -- excuse me -- a Visart.

2 And my understanding was -- and I asked this
3 question many times -- what's included in the upgrade.
4 We're going to strip everything off that magnet, and
5 we're going to leave the magnet on the floor, and we're
6 going to build a whole new system around it. And that's
7 the way I explained it to my customer.

8 Well, that has done me -- basically did me in with
9 my customer because that's not what happened. They
10 basically put bits and pieces on that system that would
11 make it spec wise a Visart. Didn't even change the
12 covers out. Didn't change the table out. Then every
13 time we had a service call, it was like, you think it'd
14 be under warranty? No, it's not under warranty. Those
15 parts weren't replaced.

16 Q. Just to be clear. You're saying they. You
17 mean Toshiba?

18 A. St. Francis.

19 Q. They --

20 A. St. Francis. Every time we did it, we would
21 just -- not every time, but most -- a lot of times, we'd
22 do a service call, and the equipment would be not
23 warrantied, even though it was supposedly by Toshiba,
24 even though it was supposedly an upgrade to replace
25 everything on that system. That turned that customer

1 against Toshiba. And obviously, I'm the -- manned me
2 more than anything else I've done.

3 Q. Who was the customer?

4 A. St. Francis.

5 Q. Was there any particular physicians involved?

6 A. Dr. Donnie Owens, Dr. Steve Rony.

7 Q. Did you have any conversations with Dr. Owens
8 about this situation?

9 A. Oh, yes.

10 Q. And could you describe some of those?

11 A. Well, I mean, actually, the bottom line was I
12 actually took them to Desoto Diagnostic when they were
13 going to replace the Visart with another 1.5. And I
14 took them to Dr. Carvel's site and showed them the
15 Excelart. And a few days later, I followed up with him.
16 He said, David, I'll be honest with you. He said, I
17 like you and all that, but he said, I would have to have
18 my head examined to recommend another Toshiba magnet to
19 my group. And that did us basically in, that and a
20 couple of other things. And to this day, they're not
21 buying anything from Toshiba. And they're making
22 promises -- keeping their promise, believe me.

23 But that and some other things was just service
24 issues. But specifically that MR, it just hurt our
25 credibility.